

Smart for young Justice people

"Smart action for a safer community"



Diversion:

- improves community safety
- tackles the causes of crime
- offers young people a positive alternative path to the criminal justice system
- saves public spending on crime and law enforcement

Mark's story

When Mark was 15 years old he says he fell in with the wrong crowd and started spraying graffiti on trains. "I just went along with it and did it. Afterwards I realised the consequences of my actions."

Instead of sentencing Mark, the Magistrate offered him an opportunity to do an eight-week diversion program called Right Step to address the issues behind his three criminal damage charges. He went back to court and the result for his hard work was no criminal record.

"You've got to break the process down and look at like the person as a whole, not just that one action that you know them by. Now I realise how important my studies are and like I'm just basically excited to get out there in life and start something positive."

Without the opportunity for diversion young people like Mark receive a criminal record that punishes their teenage mistakes for life.

What is diversion?

Diversion refers to programs that intervene to 'divert' a young person to work on the issues that are behind their offending. It aims to reduce further offending. Currently in Victoria it can be offered at different stages within the criminal justice system:

- Police refer children and young people they identify at risk to services even before they start offending – for example referral to the Youth Support Service.
- Pre-court police give informal warnings or issue formal cautions
- Police recommend and the Court orders diversion such as ROPES for 1st and early stage offenders. Completion takes the offence out of the court and results in no criminal record.
- For those coming again before the court and at 'risk of re-offending' the Prosecutor, lawyer or magistrate can recommend a more intensive program such as the eight-week program RIGHT STEP. The young person is monitored for 12 months following the program.
- For repeat and/or serious offenders the Court can refer to Youth Justice Group Conferencing which is a diversionary program using a restorative justice approach with the victim present. The young person has the opportunity to better understand the impact of their crime and take part in planning how to address underlying issues.

Diversion provides appropriate support programs at a formative period of a young person's life enabling them the opportunity to address the issues underlying their behaviour, to change direction, and grow into responsible and productive citizens.

Diversion is tough on the causes of crime

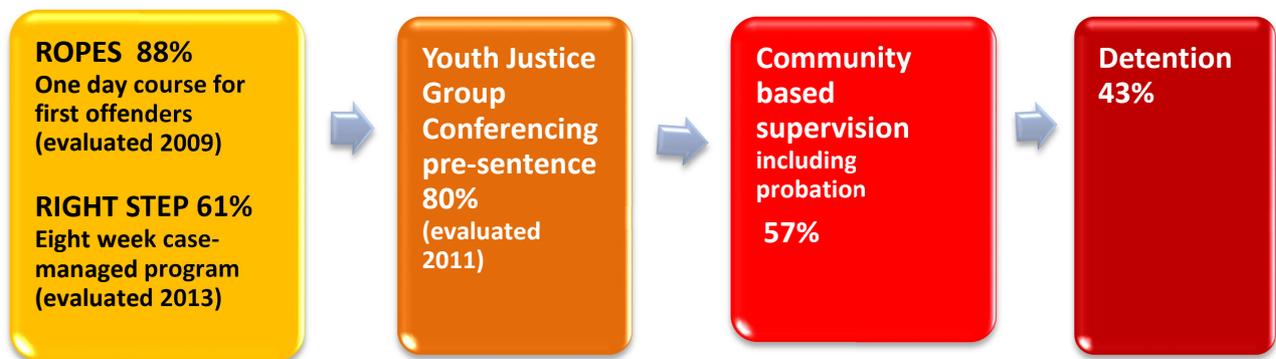
When young people commit offences it is often because they are immature, prone to take risks, susceptible to peer influence, and for many at risk because of family breakdown, abuse and neglect, homelessness, mental health issues, substance abuse or school expulsion.

Diversion is not a soft option. It often involves young people acknowledging and working on these personal issues by accessing a range of support services including counselling, drug and alcohol treatment, family therapy, education and training opportunities.

What's the benefit to the community?

Diversion makes the community safer: Diversion makes it less likely young people will re-offend

Compare the rate of NOT re-offending after two years:



Diversion is cost effective. It reduces the cost of crime in the community, and costs to Government, including police, court processes and justice supervision.

Compare the cost per young person (for three months):



What do we need in Victoria?

Currently there are only a limited number of mostly underfunded diversion programs for young people. Many young people live in areas that don't have programs. There is no requirement that courts refer young people to diversion.

There are two very obvious gaps that need urgent Government attention:

1. **Legislated diversion for all young people.**

Diversion is already legislated for in the adult system requiring adults to be diverted for assessment and to services. No such legislation exists for young people.

2. **The Government must substantially invest in diversion programs for all young people requiring them.**

While some diversion programs exist and are used they are very limited in number, scope, and locality and/or have insecure funding.